

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

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| JEAN MOISE FELIX, | : | |
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| Petitioner | : | |
| | : | |
| vs. | : | CIVIL ACTION NO. 3:05-2211 |
| | : | |
| BUREAU OF IMMIGRATION AND | : | (Judge Kosik) |
| CUSTOMS ENFORCEMENT, | : | |
| | : | |
| Respondent | : | |

ORDER

AND NOW, THIS 27th DAY OF MARCH, 2007, IT APPEARING TO THE COURT
THAT:

- (1) On October 28, 2005, petitioner, Jean Moise Felix, an inmate detained at the York County Prison by the Bureau of Immigration and Customs Enforcement filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241;
- (2) In his petition, petitioner challenges his continued detention and seeks his immediate release on parole pending deportation;
- (3) The matter was assigned to Magistrate Judge Malachy E. Mannion and in a Report and Recommendation filed on March 16, 2007, the Magistrate Judge recommended that the petitioner's petition for writ of habeas corpus be dismissed as moot;

(4) Specifically, the Magistrate Judge notes that on March 15, 2007, the Respondent submitted an amended notice of mootness, which indicated that the petitioner was removed from the United States to Haiti on August 28, 2006;

(5) The Magistrate Judge points out that when an alien subject to removal challenges only his detention pending removal, and he is released through deportation, the petition is rendered moot because he has received all the relief which he sought and to which he would be entitled;

(6) The Magistrate Judge concludes that because petitioner has been removed from the United States and is no longer subject to detention pending removal, the petition for writ of habeas corpus is moot and should be dismissed;

AND IT FURTHER APPEARING THAT:

(7) If no objections are filed to a Magistrate Judge's Report and Recommendation, the plaintiff is not statutorily entitled to a de novo review of his claims. 28 U.S.C. §636(b)(1)(C); Thomas v. Arn, 474 U.S. 140, 150-53 (1985). Nonetheless, the usual practice of the district court is to give "reasoned consideration" to a magistrate judge's report prior to adopting it. Henderson v. Carlson, 812 F.2d 874, 878 (3rd Cir. 1987).

(8) We have reviewed the Report and Recommendation of the Magistrate Judge and agree with his conclusions;

ACCORDINGLY, IT IS HEREBY ORDERED THAT:

- (1) The Report and Recommendation of Magistrate Judge Malachy E. Mannion dated March 16, 2007 (Document 11) is adopted;
- (2) The petitioner's petition for writ of habeas corpus pursuant to 28 U.S.C. § 2241 is dismissed as moot; and
- (3) The Clerk of Court is directed to close this case and to forward a copy of this Order to the Magistrate Judge.

s/Edwin M. Kosik
United States District Judge